



**IT IS ORDERED as set forth below:**

**Date: October 2, 2020**

A handwritten signature in black ink, reading "Jeffery W. Cavender".

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**Jeffery W. Cavender  
U.S. Bankruptcy Court Judge  
Signed as Revised by the Court**

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**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:	:	
	:	
VINSON GWINN	:	CHAPTER 13
	:	
Debtor.	:	CASE NO.: 18-54590-JWC

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**CONSENT ORDER GRANTING  
DEBTOR'S MOTION TO SELL PROPERTY OF THE ESTATE**

This matter arose upon Debtor's Motion to Sell Property of the Estate (the "Motion") (Doc.No. 41).

A hearing was held on September 22, 2020. Appearances were made by Howard Slomka, counsel for Debtor and Julie Anania, counsel for Chapter 13 Trustee. The Motion seeks Court approval to sell property of the estate located at 2795 Ben Hill Road (the "Property"), and to pay

off all liens on the Property and attorneys fees for the Motion.

Chapter 13 Trustee does not oppose the Motion and consents to the relief sought therein subject to the terms of this Consent Order.

After review of the record and pleadings in this case, and for good cause shown, it is hereby

**ORDERED** that Debtor's Motion is GRANTED. The sale of the Property can proceed without further approval of the Court.

**IT IS FURTHER ORDERED** that all liens secured by the real property (held by HUD or otherwise appearing in the title commitment) shall be paid in full direct from closing proceeds, and shown on the closing statement for the sale. Additionally, proceeds of the sale in the amount of \$17,000.00 shall be remitted directly by the closing attorney to the Chapter 13 Trustee to pay all claims in full under the plan. It is also ordered that a single payment to Debtor's Counsel of \$750 for the costs to bring this Motion is granted and shall be paid at closing. In the event of any shortfall, the sale shall remain subject to the express written approval of the Chapter 13 Trustee and mortgage lien holders, and the Debtor shall continue to make regular monthly payments to the Trustee as required by the plan.

**IT IS FURTHER ORDERED** that mortgage lenders shall be permitted to submit an updated payoff demand to the applicable escrow or title company facilitating the sale so that their claims are paid in full at the time the sale of the Property is finalized. In the event that the sale of the Property does not take place, all mortgage lenders shall retain their lien for the full amount due under the applicable loan contracts.

**IT IS FURTHER ORDERED** that Debtor will file an objection to the mortgage lender's

proof of claim if the claim has not been withdrawn or amended within 30 days following the closing of the sale. Debtor will provide a copy of the closing statement to the Chapter 13 Trustee within 10 days of the closing of the sale or will notify the Trustee if the sale is unable to be completed.

END OF ORDER

Prepared by:

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**CONSENT BY:**

/s  
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